

# Exhibit A

**MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES**

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y)

<b>Plaintiffs' Executive Committee for Personal Injury and Death Claims</b>	<b>Plaintiffs' Executive Committee for Commercial Claims</b>
Ronald L. Motley, <i>Co-Chair</i> MOTLEY RICE LLC James P. Kreindler, <i>Co-Chair</i> KREINDLER & KREINDLER LLP	Elliot R. Feldman, <i>Co-Chair</i> Sean Carter, <i>Co-Chair</i> COZEN O'CONNOR
Andrew J. Maloney III, <i>Co-Liaison Counsel</i> KREINDLER & KREINDLER LLP Paul J. Hanly, Jr., <i>Co-Liaison Counsel</i> HANLY CONROY BIERSTEIN SHERIDAN FISHER & HAYES LLP	J. Scott Tarbuton, <i>Liaison Counsel</i> COZEN O'CONNOR

**VIA EMAIL**

March 11, 2015

Alan R. Kabat, Esq.  
Bernabei & Wachtel, PLLC  
1775 T Street, N.W.  
Washington, D.C. 20009

Re: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (FM)

Dear Alan:

We write in response to your letter of March 6, 2015.

While we appreciate the efforts you have undertaken to canvas the defendants concerning the status of their productions, the representations made in your letter are in tension with statements made by counsel for WAMY concerning the status of WAMY's production during our recent meet and confer. During that call, we specifically and repeatedly asked WAMY's counsel whether their clients had completed their productions, and they responded that the answer was not a simple "yes" or "no." WAMY's counsel indicated that they had provided you with a full statement on the matter, for presentation to the plaintiffs along with similar statements from other of the defendants. They advised that you would provide that information, and, for that reason, declined to explain the status of their production. We simply cannot reconcile those statements with the representations in your letter, and also do not understand why you have not provided the substantive responses provided to you by the individual defendants. As we have indicated, we believe this information is relevant to our evaluation of the appropriate timeline and structure for further discovery proceedings.

Our position on this point is further informed by the significant discrepancies between the content of the productions we have received to this point, and the scope and nature of the materials several of the defendants indicated we would be receiving. For instance, WAMY SA represented to both plaintiffs and the Court that more than 120,000 pages of documents responsive to plaintiffs' discovery requests had been assembled in a room in Saudi Arabia for

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review by plaintiffs. The Court thereafter directed WAMY to produce those records to plaintiffs in the United States. However, since the issuance of that order, plaintiffs have received only about 50,000 pages of documents from WAMY SA (excluding certain FOIA materials), leaving a discrepancy of 70,000 pages between the responsive materials WAMY represented would be produced and what has actually been provided.

Similarly, counsel for the MWL and IIRO advised plaintiffs during the course of discovery that the government of Saudi Arabia had designated certain of those defendants' responsive documents to be "governmental" in nature, and advised that the defendants were working to secure the approval of the government to produce those documents. It is our understanding that the government of Saudi Arabia may have taken possession of these documents. To this point, we have seen no evidence that this collection of documents has been produced to the plaintiffs.

Further, based on the productions received to date, it is unclear whether certain of the discovery defendants remain active participants in this litigation. To the extent certain defendants have decided to no longer participate, that fact would be a relevant consideration in evaluating an appropriate schedule going forward.

For these and other reasons, we believe it more than reasonable to request that the Defendants' Executive Committee ask each of the defendants to provide a statement as to whether it has completed production of all responsive documents and that these statements be provided to the plaintiffs. We would ask that these statements address whether the responding defendant believes that any responsive materials are now in the possession of any third-party, including any government actor, or whether the production of any responsive materials has been delayed by or is subject to the approval of any third party, including any government actor. Finally, given that Dallah Avco acknowledges that it has not yet completed its production of responsive documents, we would request that Dallah Avco identify the date by which it expects to have completed its production, so that we can consider that timing in evaluating an appropriate schedule for further discovery proceedings as well.

In closing, we would reiterate that we have made a simple request for basic information that we believe is relevant to the evaluation of an appropriate schedule for further discovery processes. We had expected to be able to discuss these issues on a comprehensive basis during the February 23 conference call we set for purposes of addressing the further scheduling issues, and counsel for all of the principal plaintiffs' groups participated in that call to ensure we could have an effective dialogue. Unfortunately, counsel for many of the defendants did not participate in that call, to the surprise of plaintiffs' counsel, and you represented that you could not speak on their behalves as to the status of their clients' productions or their commitment to any schedule, making clear that they would be free in your view to object to any schedule and structure we might attempt to negotiate. That approach is not in our view consistent with the letter or spirit of the Court's Order establishing the Defendants' Executive Committee, and has necessitated our request for a formal statement from the individual defendants on the status of their productions.

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As it appears that certain of the defendants have already provided such statements to you, we are struggling to understand why they have not simply been passed on to us.

Please advise whether you will agree to provide the requested information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sean P. Carter', with a large, stylized initial 'S' and a long horizontal flourish extending to the right.

Sean P. Carter

THE MDL 1570 PLAINTIFFS' EXECUTIVE  
COMMITTEES

cc: Members of Plaintiffs' Executive Committees (via Email)  
Members of Defendants' Executive Committee (via Email)

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